THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8976 of 2007

Dated:26.04.2007

Between:

Macha Venkata subbaiah and others.

… Petitioners

AND

The District Panchayat Officer and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8976 of 2007

ORDER:

The three petitioners are statedly owners of land comprised in Survey No.970 situated at Mundlavaripalli, Hamlet of Eguvagothiveedu of Galiveedu Mandal in Kadapa District. They dug a bore-well to irrigate the lands. They allege that respondents 1 and 2 instigated by respondents 3 and 4 tried to dig another bore-well in violation of the rules. The petitioners then filed O.S.No.154 of 2000 on the file of the Court of the Junior Civil Judge, Lakkireddypalli, which was decreed. In spite of the same, respondents 1 and 2 started laying pipelines from the Village to the petitioners' bore-well to draw the water. The petitioners then got issued a legal notice through their Lawyer, in vain. Hence in this Writ Petition, the petitioners seek a declaration that the action of the respondents in trying to lay pipelines is illegal.

Except making an allegation that pipeline is being laid by respondents 1 and 2 on the instigation of respondents 3 and 4, no acceptable evidence is placed before this Court. The Writ Petition is filed on a mere apprehension. Secondly, even if respondents 1 and 2 are laying the pipeline from the Village with a view to draw the water from the petitioners' bore-well, the same has a statutory sanction. Rule 15 of the Andhra Pradesh Water, Land and Trees Rules, 2004 (for short 'the Rules') empowers the authority or designated Officer to take over wells/bore-wells to ensure supply of drinking water to local population. In such a case, the remedy of the person is to seek compensation for the crop loss, if any, under Rule 15(4) of the Rules. If so advised, the petitioner may approach the District Collector in the

matter.

The Writ Petition is misconceived, and is accordingly, dismissed. No costs.

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(**V.V.S.RAO, J**)

26.04.2007
vs